

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES D. LYONS,)	CASE NO. 4:03CV1620
)	
PLAINTIFF,)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
UNITED STATES OF AMERICA,)	MEMORANDUM OPINION AND
)	ORDER
et al.,)	
)	
DEFENDANTS.)	
)	

This matter is before the Court upon Plaintiff and Defendants’ Cross Motions for Summary Judgment. (Dkt. # 229, 239). On February 11, 2004, the Court assigned this case to Magistrate Judge James S. Gallas for general pre-trial supervision. (Dkt. # 33). On April 19, 2005, the Court dismissed Count III of Plaintiff James Lyons’ (“Lyons”) seven count Amended Complaint. (Dkt. # 112). On September 30, 2005, the Court granted Lyons’ voluntarily dismissal of Count IV and transferred Count V to the Eastern District of Kentucky. (Dkt # 130). On January 28, 2008, the Court dismissed Counts II, VI, and VII. (Dkt. # 225).

Before the Court is the Magistrate Judge’s Report and Recommendation (“R&R”), recommending that the Court grant summary judgment in favor of the Defendants associated with Count I—the sole remaining count in the Amended Complaint. (Dkt. # 254). In addition, the Magistrate Judge recommends the Court grant summary judgment

in favor of the United States, as substituted for the “federal defendants,” in reference to the Supplemental Complaint. (Dkt # 43).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service. Objections to the Magistrate Judge’s R&R were originally due March 24, 2009. However, the Court granted Lyons an additional ten (10) days to file objections. (Dkt. # 256). Lyons filed his objections to the Magistrate’s R&R on April 10, 2009. (Dkt. # 259). The Court has reviewed Lyons’ objections and finds that they are without merit.

The Court has also reviewed the R&R of the Magistrate Judge *de novo*, and finds that it is well-supported. Therefore, the Magistrate Judge’s R&R is hereby **ADOPTED**. (Dkt. # 254). Defendants’ Motion for Summary Judgment is **GRANTED**. (Dkt. # 239). Lyons’ Motion for Summary Judgment is **DENIED**. (Dkt. # 229). Judgment is entered in favor of the Defendants associated with Count I of the Amended Complaint and in favor of the United States in reference to the Supplemental Complaint.

IT IS SO ORDERED.

/s/ Peter C. Economus – April 14, 2009
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE